

Calendar No. 50

104TH CONGRESS
1ST SESSION

H. R. 849

IN THE SENATE OF THE UNITED STATES

MARCH 29 (legislative day, MARCH 27), 1995

Received; read the first time

APRIL 5, 1995

Read the second time and placed on the calendar

AN ACT

To amend the Age Discrimination in Employment Act of 1967 to reinstate an exemption for certain bona fide hiring and retirement plans applicable to State and local firefighters and law enforcement officers, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Age Discrimination
5 in Employment Amendments of 1995”.

1 **SEC. 2. REINSTATEMENT OF EXEMPTION.**

2 (a) REPEAL OF REPEALER.—Section 3(b) of the Age
3 Discrimination in Employment Amendments of 1986 (29
4 U.S.C. 623 note; Public Law 99–592) is repealed.

5 (b) EXEMPTION.—Section 4(j) of the Age Discrimi-
6 nation in Employment Act of 1967 (29 U.S.C. 623), as
7 in effect immediately before December 31, 1993—

8 (1) is hereby reenacted as such, and

9 (2) as so reenacted, is amended by striking “at-
10 tained the age” and all that follows through “1983,
11 and”, and inserting the following:

12 “attained—

13 “(A) the age of hiring or retirement in ef-
14 fect under applicable State or local law on
15 March 3, 1983; or

16 “(B) if the age of retirement was not in ef-
17 fect under applicable State or local law on
18 March 3, 1983, 55 years of age; and”.

19 **SEC. 3. STUDY AND GUIDELINES FOR PERFORMANCE**
20 **TESTS.**

21 (a) STUDY.—Not later than 3 years after the date
22 of enactment of this Act, the Chairman of the Equal Em-
23 ployment Opportunity Commission (in this section re-
24 ferred to as “the Chairman”) shall conduct, directly or
25 by contract, a study that will include—

1 (1) a list and description of all tests available
2 for the assessment of abilities important for comple-
3 tion of public safety tasks performed by law enforce-
4 ment officers and firefighters,

5 (2) a list of such public safety tasks for which
6 adequate tests do not exist,

7 (3) a description of the technical characteristics
8 that performance tests must meet to be compatible
9 with applicable Federal civil rights Acts and policies,
10 (4) a description of the alternative methods
11 available for determining minimally acceptable per-
12 formance standards on the tests described in para-
13 graph (1),

14 (5) a description of the administrative stand-
15 ards that should be met in the administration, scor-
16 ing, and score interpretation of the tests described
17 in paragraph (1), and

18 (6) an examination of the extent to which the
19 tests described in paragraph (1) are cost effective,
20 safe, and comply with Federal civil rights Acts and
21 regulations.

22 (b) ADVISORY GUIDELINES.—Not later than 4 years
23 after the date of enactment of this Act, the Chairman shall
24 develop and issue, based on the results of the study re-
25 quired by subsection (a), advisory guidelines for the ad-

1 ministration and use of physical and mental fitness tests
2 to measure the ability and competency of law enforcement
3 officers and firefighters to perform the requirements of
4 their jobs.

5 (c) CONSULTATION REQUIREMENT; OPPORTUNITY
6 FOR PUBLIC COMMENT.—(1) The Chairman shall, during
7 the conduct of the study required by subsection (a), con-
8 sult with—

9 (A) the United States Fire Administration,

10 (B) the Federal Emergency Management
11 Agency,

12 (C) organizations that represent law enforce-
13 ment officers, firefighters, and their employers, and

14 (D) organizations that represent older individ-
15 uals.

16 (2) Before issuing the advisory guidelines required in
17 subsection (b), the Chairman shall allow for public com-
18 ment on the proposed guidelines.

19 (d) DEVELOPMENT OF STANDARDS FOR WELLNESS
20 PROGRAMS.—Not later than 2 years after the date of the
21 enactment of this Act, the Chairman shall propose advi-
22 sory standards for wellness programs for law enforcement
23 officers and firefighters.

1 (e) AUTHORIZATION OF APPROPRIATIONS.—There is
2 authorized to be appropriated to carry out this section
3 \$5,000,000.

4 **SEC. 4. EFFECTIVE DATES.**

5 (a) GENERAL EFFECTIVE DATE.—Except as pro-
6 vided in subsection (b), this Act shall take effect on the
7 date of the enactment of this Act.

8 (b) SPECIAL EFFECTIVE DATE.—Section 2(b)(1)
9 shall take effect on December 31, 1993.

Passed the House of Representatives March 28,
1995.

Attest:

ROBIN H. CARLE,
Clerk.

Calendar No. 50

104TH CONGRESS
1ST SESSION

H. R. 849

AN ACT

To amend the Age Discrimination in Employment Act of 1967 to reinstate an exemption for certain bona fide hiring and retirement plans applicable to State and local firefighters and law enforcement officers, and for other purposes.

APRIL 5, 1995

Read the second time and placed on the calendar